

Rich, Christopher W. (Perkins Coie)

From: Villa, Clifford <Villa.Clifford@epa.gov>
Sent: Thursday, March 06, 2014 5:31 PM
To: Feldman, Stephen (Perkins Coie); Rich, Christopher W. (Perkins Coie)
Cc: Yackulic, Ted; Fred Phillips
Subject: FW: UAO amendment
Attachments: UAO amendment 1.pdf

Attached, Amendment 1 to UAO for Queen Property, Absorbent Technologies site, in Albany, OR.

As provided in the UAO, the Effective Date will be four days after the UAO conference, which was held on Monday, March 3, 2014. As such, the UAO, including this amendment, will now become Effective on Friday, **March 7, 2014**; i.e., tomorrow.

If any questions, please let me know. I will be on the road tomorrow, but should remain available via cell and Blackberry if needed.

Thanks.

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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 10

IN THE MATTER OF:

Queen Property, Absorbent Technologies Site,
located in Albany, Linn County, Oregon

David L. Ellis, Pamela L. Ellis, and Farouk H.
Al-Hadi, Respondents

UNILATERAL ADMINISTRATIVE ORDER
FOR REMOVAL ACTION AND
INFORMATION REQUEST

U.S. EPA Region 10
Docket No. CERCLA-10-2014-0067

Amendment No. 1

Proceeding Under Section 104(e) and 106(a) of
the Comprehensive Environmental Response,
Compensation, and Liability Act, 42 U.S.C. §§
9604(e), 9606(a).

Following a conference between Respondents and the U.S. Environmental Protection Agency (EPA) held on March 3, 2014, and the receipt by EPA of additional information from Respondents on March 4, 2014, the Unilateral Administrative Order for Removal Action and Information Request referenced above, Docket No. CERCLA-10-2014-0067, is hereby amended as provided below.

The last sentence of Paragraph I.B is amended to read as follows: This Order is issued to David L. Ellis, Pamela L. Ellis, and Farouk H. Al-Hadi (collectively, "Respondents"), as owners or former owners of real or personal property at the Queen Property.

Paragraph III.Q is amended to read as follows: "Work" shall mean all activities Respondents are required to perform under this Order and all other activities Respondents have performed under EPA direction and/or oversight since February 12, 2014, to implement the removal action set forth in the Action Memorandum and as further defined by Paragraph VI.D of this Order and the Work Plan.

Paragraph IV.H is amended to read as follows: The remaining work identified in the Action Memorandum was undertaken by private parties, including the Respondents, with oversight by the EPA. The work by these parties was to have been carried out consistent with the November 8, 2013, work plan. Based in part on representations from Respondents or their representatives (contractors and/or subcontractors) that all work had been performed as described in the approved work plan, the EPA provided in writing on January 10, 2014, that "all on-Site work has been completed."

Paragraph IV.I is amended to read as follows: On February 12, 2014, EPA On-Scene Coordinator Dan Heister received information from Jonathan Sheppard of River City Environmental, Inc. ("River City") that a contractor conducting salvage operations at the Queen Property on February 11, 2014, opened a valve marked potassium hydroxide and approximately five gallons of material was released to the ground. Sheppard described the liquid looking like "rusty water." When Heister arrived on site the next day the material had been washed away. Heister spoke with the salvage crew on site who described the material as green in color and bubbling when discharged. They also said that when the material came out, Sheppard quickly directed them to "get back." Field sampling of the material was not possible because it had been washed away the day before. The crew appeared certain that the discharge from the valve was product and not "rusty water," suggesting the pipe had not been properly drained and rinsed as required by the Action Memorandum and approved work plan. That same day (i.e., February 12, 2014), at the EPA's direction and with EPA's concurrence, Respondents requested that River City and/or NRC Environmental Services, Inc. ("NRC") have hazardous materials-trained personnel on site to provide oversight of the salvage operations through completion of such salvage operations.

The first sentence of Paragraph IV.L is amended to read as follows: As a result of the injuries and other information gathered from the Queen Property, and contrary to the earlier representations from Respondents and/or their contractors or subcontractors, the EPA has reason to believe that the work at the Queen Property identified in the Action Memorandum was not conducted fully or properly in order to ensure the protection of human health and the environment.

Paragraph IV.M is added to read as follows: Between February 12, 2014 and the Effective Date of this Order, Respondents have acted pursuant to verbal orders and written plans (provided or approved by the OSC) directing Respondents and their contractors/subcontractors to provide ongoing oversight of salvage operations and to assess, test, and re-clean various equipment, piping, and systems at the Queen Property for the presence of hazardous substances. The EPA deems further work necessary to complete the salvage operations and assessment and re-cleaning of certain equipment, piping and systems at the Queen Property.

Paragraph VI.D. is amended to read as follows: Unless otherwise directed by the EPA, Respondents shall perform all of the removal activities specified in the Work Plan. The removal activities specified in the Work Plan may include the following as determined by the OSC: (1) rinsing of all piping and industrial equipment remaining intact sufficient to ensure removal of all hazardous substances contained therein; (2) collection and analysis of rinsate liquids; (3) identification and examination of all piping and other industrial equipment already disconnected from industrial systems at the Queen Property; (4) rinsing and re-examination of all disconnected piping and other industrial equipment at the Queen Property to ensure all such items are safe for transport, recycling, or other reuse; (5) sampling, analysis, and removal of all hazardous substances spilled onto floors, equipment, or any paved or unpaved surface, including the ground; (6) sampling, analysis, removal, and proper disposal of any remaining containers of waste. Compliance in accordance with the Work Plan shall constitute performance of the removal activities identified in this Paragraph VI.D.

Paragraph VI.I.2 is amended to read as follows: Respondents shall preserve all documents and information relating to the Work, or relating to hazardous substances found on or released or discharged from the Queen Property, for six years following completion of the Work. At the end of this six-year period of time but at least 30 days before any document or information is destroyed, Respondents shall notify the EPA that such documents and information are available to the EPA for inspection, and shall, upon request, provide the originals or copies of such documents and information to the EPA. In addition, Respondents shall provide documents and information retained under this Paragraph at any time before expiration of the six-year period at the written request of the EPA.

Paragraph VI.P.1.b is amended to read as follows: copies of all emails, correspondence, notes of conversations, contracts or other agreements, payment records, demands for payment, or agreements for resolution of payment disputes entered with or received by Respondents from River City, NRC, and Cascade Metal Recycling.

Section XV is amended to read as follows: At least five days prior to commencing any Work under this Order, Respondents shall secure, and shall maintain for the duration of the Work at the Queen Property, comprehensive general liability insurance and automobile insurance with limits of \$1,000,000, combined single limit. Within this same time period, Respondents shall provide the EPA with certificates of such insurance and a copy of each insurance policy. If Respondents demonstrate by evidence satisfactory to the EPA that any contractor or subcontractor maintains insurance equivalent to that described above, or insurance covering some or all of the same risks but in an equal or lesser amount, then Respondents need only provide that portion of the insurance described above, if any, which is not maintained by such contractor or subcontractor.